

FEB 14 2019

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DEPUTY
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3 Eastern District of Washington
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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

2:18-CR-0226-TOR

13 v.

Pretrial Diversion Agreement

14 DESIREE RENEE KENNEDY,

15 Defendant.

16 Plaintiff, United States of America, by and through Joseph H. Harrington,
17 United States Attorney for the Eastern District of Washington, and Earl A. Hicks,
18 Assistant United States Attorney for the Eastern District of Washington, and
19 Defendant DESIREE RENEE KENNEDY and Defendant's counsel, Kent Neil Doll,
20 Jr., agree to the following Pretrial Diversion Agreement:

21 **PRETRIAL DIVERSION AGREEMENT**

22 1. The Grand Jury alleges in an Indictment returned on December 18, 2018,
23 that Defendant committed the following offense against the United States in the
24 Eastern District of Washington: Harboring or Concealing Person from Arrest, in
25 violation of 18 U.S.C. § 1071.

26 2. On the authority of the United States, prosecution in the Eastern District
27 of Washington for the offense alleged in the Indictment (ECF No. 14) shall be
28 deferred for a period of 24 months from the date of the filing of this Pre-Trial

1 Diversion Agreement and then dismissed, provided Defendant, Desiree Renee
2 Kennedy, abides by the following conditions and the requirements of the Pre-Trial
3 Diversion program, set out below in this Pre-Trial Diversion Agreement.

4 3. The United States may release Defendant, Desiree Renee Kennedy, from
5 this agreement at any time. The United States may at any time within the period of
6 Defendant's, Desiree Renee Kennedy's, deferral reinstate prosecution for the offense
7 alleged in the Indictment (ECF No. 14) should Defendant, Desiree Renee Kennedy,
8 violate the conditions of this Pre-Trial Diversion Agreement. In that event, the United
9 States will furnish Defendant, Desiree Renee Kennedy, with notice specifying the
10 conditions of the Pre-Trial Diversion Agreement that she violated. Defendant,
11 Desiree Renee Kennedy, agrees the determination of whether the Defendant has
12 violated the terms of this Pre-Trial Diversion Agreement shall be made by the Court.

13 4. Upon successful completion of the terms set forth in this Pre-Trial
14 Diversion Agreement, the United States will move to dismiss, with prejudice, the
15 Indictment in this matter at ECF No. 14.

16 5. This Pre-Trial Diversion Agreement will not be used against the
17 Defendant, Desiree Renee Kennedy, in connection with any prosecution for the
18 above-described offense.

19 6. The following conditions apply:

20 a. Defendant, Desiree Renee Kennedy, shall not commit a violation
21 of any law (federal, state and local). This condition shall not apply to
22 infractions. Defendant Desiree Renee Kennedy shall immediately contact her
23 Pre-Trial Diversion supervisor if she is arrested and/or questioned by any law
24 enforcement officer.

25 b. If the Defendant desires to move out of the District, she shall
26 obtain permission from her diversion supervisor so that the appropriate transfer
27 of program responsibility can be made prior to her relocation.
28

1 c. Defendant Desiree Renee Kennedy shall report any change of
2 residence to U.S. Probation/Pretrial Services.

3 d. Defendant, Desiree Renee Kennedy, shall perform four (4) hours
4 of community service each month during the period she is on Pre-Trial
5 Diversion. The type of community service shall be approved by U.S.
6 Probation/Pretrial Services. Defendant is required to provide proof of her
7 completion of her community service to U.S. Probation.

8 e. Other than the contacts with U.S. Probation/Pretrial Services as
9 described above, Defendant, Desiree Renee Kennedy, shall be unsupervised by
10 the agency during the period of deferred prosecution. U.S. Probation/Pretrial
11 Services will run a criminal record check of Defendant quarterly, and will
12 inform the United States, defense counsel, and the Court if Defendant has
13 violated any law.

14 f. Defendant, Desiree Renee Kennedy, agrees to waive all time-based
15 challenges to prosecution, including but not limited to those related to the
16 Speedy Trial Act.

17 g. Defendant, Desiree Renee Kennedy, agrees to hold all law
18 enforcement and the United States, its agents, and its employees, harmless from
19 any claims whatsoever arising in connection with the prosecution, investigation,
20 and resolution of *United States v. Desiree Renee Kennedy*, 2:18-CR-0226-TOR.

21
22 Joseph H. Harrington
23 United States Attorney

24 Earl A. Hicks
25 Earl A. Hicks
26 Assistant United States Attorney
27
28

2/14/2019
DATE

REQUEST FOR PRE-TRIAL DIVERSION
BY DESIREE RENEE KENNEDY

I, Desiree Renee Kennedy, assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an Indictment, Information, or Complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an Information, or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for a period of 24 months, for the following violations alleged in the Indictment returned in this matter on December 18, 2018, ECF No. 14, charging me with Harboring or Concealing Person from Arrest, in violation of Title 18 U.S.C. § 1071.


To induce the United States Attorney for the Eastern District of Washington to defer such prosecution, I, Desiree Renee Kennedy, agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for the effective period of this Diversion Agreement. I, Desiree Renee Kennedy, also agree to all of the terms and conditions set forth in this Pre-Trial Diversion Agreement.

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1 I hereby state that the above has been read by me and explained to me by my
2 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will
3 comply with them.

4 
5 _____
6 Desiree Renee Kennedy

2/14/19

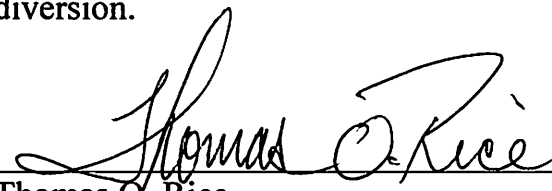
DATE

7 
8 _____
9 Kent Neil Dell, Jr.
10 Attorney for Desiree Renee Kennedy

2/14/19

DATE

11 APPROVED without passing judgment on the merits or wisdom of this
12 diversion.

13 
14 _____
15 Thomas O. Rice
16 Chief United States District Judge

2/14/2019

DATE